

F B I

Date: 4/1/69

Transmit the following in _____
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Via AIRTEL AM
(Priority)

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
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Miss Holmes	
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TO: DIRECTOR, FBI (44-38861)
 FROM: SAC, MEMPHIS (44-1987) P
 MURKIN

On 4/1/69, Executive Assistant District Attorney ROBERT K. DWYER, Memphis, Tennessee, advised that the death of Judge W. PRESTON BATTLE may have some influence on RAY's efforts to obtain a new trial. Mr. DWYER explained that RAY has written two letters to Judge BATTLE in which he has indicated that his new attorney is one RICHARD RYAN, a Memphis attorney, and he has requested of Judge BATTLE a "hearing" on his recent sentencing. Mr. DWYER explained that when a Judge dies suddenly all motions then pending before him are granted automatically. He said that RAY's request for a "hearing" may very well be construed as constituting a motion filed by RAY, and in this case RAY will be granted a hearing. Mr. DWYER said it is too early to tell whether this will be considered as a request for a hearing for a new trial, or possibly a habeas corpus hearing. He said he expects that RAY's new attorney will file a motion for a new trial, this being entirely proper under Tennessee law.

Memphis indices contain nothing identifiable with RICHARD RYAN. RYAN is a little known lawyer with no particular reputation as either a criminal or civil lawyer. He is not commonly known as a racist and members of the legal profession are at a loss to explain why RAY has retained him.

The Bureau will be kept advised of any motions filed by RYAN on RAY's behalf.

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Approved: RGJ Special Agent in Charge Sent 5/21 Per _____